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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,427	04/16/2004	Charles M. Ortega	PA2760US	9855
22830	7590	08/13/2004	EXAMINER	
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			SPISICH, MARK	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/826,427

Applicant(s)

ORTEGA ET AL.

Examiner

Mark Spisich

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: #s 502 and 504 (as per page 9, line 19). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4,7,9-11,14,16-19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Melov (USP 5,331,705). The patent to Melov discloses a cleaning towel comprised of three distinct pieces of material including an absorbent terry cloth (1) (column 2, line 55), a wiping cloth (2) suitable for polishing and a scrubber pad (3) (column 2, line 58). The terry cloth towel (1) defines an absorbent surface on opposite first and second sides and the second (2) and third (3) pieces of material comprise a first side opposite an opposed side of the terry cloth (claim 11).

4. Claims 10,12,15 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (USP 2,875,461). The patent to Anderson discloses a "towel" comprising a first piece of toweling material (11), second piece of chamois material (12) and third

piece of abrasive material (15,16). With regard to claim 12, the first and third materials are on the same side of the towel opposite the second material.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5,6,20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melov (USP 5,331,705) in view of Zeltner et al (USP 5,075,918). The patent to Melov does disclose and grommet (4)-reinforced opening for supporting the towel on a hook (column 2, lines 63-64) and fails only to disclose an attachment means passing through the opening. The patent to Zeltner discloses a towel (10) with a grommet (40)-reinforced opening and further including an attachment means (14) passing through the opening. It would have been obvious to one of ordinary skill to have provided such a means to the towel of Melov as it is an art-recognized equivalent means for supporting a towel when not in use. The particular type of "attachment means" (eg, claim 6) would be obvious to one of ordinary skill.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melov (USP 5,331,705) in view of Anderson (USP 2,875,461). The patent to Melov discloses the invention substantially as claimed with the exception of the second material being chamois. The patent to Anderson discloses a similar cleaning device which includes a towel material (11), an abrasive material (15,16) and a wiping material of chamois (12).

It would have been obvious to one of ordinary skill to have modified the second material (2) of Melov as such depending on what was desired to be cleaned.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melov (USP 5,331,705). The patent to Melov discloses the invention substantially as claimed with the exception of the first and second materials being on the same side of the towel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have located the materials as recited in claim 13, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited patents are each pertinent to cleaning devices which incorporate at least two distinct cleaning surfaces.

10. This is a continuation of applicant's earlier Application No. 10/264,456. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1700.



Mark Spisich  
Primary Examiner  
Art Unit 1744

MS